

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-161

September 18, 2003

PUBLIC UTILITIES COMMISSION
Interim Electric Energy Conservation
Programs

ORDER AUTHORIZING
CONTRACT WITH
NORTHEAST ENERGY
EFFICIENCY PARTNERSHIPS

WELCH, Chairman; DIAMOND and, REISHUS Commissioners

I. SUMMARY

By this Order, we authorize our Director of Energy Programs Division to enter into a contract for services with Northeast Energy Efficiency Partnerships (NEEP) for services in calendar year 2003.

II. DISCUSSION AND DECISION

The Commission participated as a NEEP Sponsor and in two of its individual initiatives through a sole source contract in the last quarter of 2002. We will continue this relationship and join in two additional NEEP activities for 2003.

Northeast Energy Efficiency Partnerships is uniquely qualified to help the Maine Public Utilities Commission fulfill its legislative responsibilities required by P.L. 2001, ch. 624 (An Act to Strengthen Energy Conservation). The Act requires the Commission to monitor conservation planning and program development activities in the region and around the country. The Act further states:

The commission may coordinate its efforts under this section with similar efforts in other states in the northeast region and enter into agreements with public agencies or other entities in or outside of the State for joint or cooperative conservation planning or conservation program delivery, if the commission finds that such coordination or agreements would provide demonstrable benefits to citizens of the State and be consistent with this section, the conservation program and the objectives and overall strategy for the conservation program.

35-A M.R.S.A. § 3211-A (2)(I).

NEEP is the only well-established organization that coordinates program design, development, monitoring, evaluation, research, and communication

activities among utilities and other state entities that offer energy efficiency activities similar to those required by the Act. Thus, NEEP is uniquely positioned to provide the service required by the Act, and contracting with NEEP will allow the Commission to carry out the Act's requirement before the Commission reports its compliance activities to the Legislature on December 1, 2003. Our continued participation as a Sponsor in NEEP will provide us with a clearing-house of information on other conservation programs offered in the northeast and will offer us the opportunity to help shape regional program initiatives.

We will participate in four of NEEP's initiatives during 2003. They are briefly described below:

1. Northeast ENERGY STAR Products Initiative: The goal of this initiative is market transformation in the residential marketplace for high efficiency residential products including ENERGY STAR refrigerators air conditioners, clothes washers, dishwashers, compact fluorescent lamps (CFLs), light fixtures, and ceiling fans. Joining in this initiative, will allow us to coordinate our interim lighting efficiency program with similar efforts in the region. We will also use the information to better plan our permanent residential efficient products program.
2. Commercial/Industrial Building Energy Performance: This initiative includes the Building Operator Certification (BOC) program which we have offered as an interim program and anticipate incorporating into our full scale program plan. In addition, this initiative has been designed to "research, promote, and expand the use of EPA's National Energy Performance Rating System – a benchmarking tool to promote improved energy performance in commercial buildings. The Commission has been directed by the Legislature to review advanced building guidelines including this one. Participating in this initiative will inform our review and assist us in responding to the legislature.
3. Northeast Regional Building Energy Codes Project: The goal of the building codes initiative is to achieve significant energy savings in new construction, remodeling and renovations through up-to-date building energy codes that meet or exceed national energy code requirements and to attain a high level of energy code compliance. We are joining this initiative because we have been required make recommendations on energy codes to the Legislature. The NEEP energy code initiative will provide us with more information on the codes in use in the northeast, and it will help us to train code officers on code enforcement issues.
4. Research and Evaluation: This initiative measures whether ongoing initiatives are meeting their goals and provides information used to help develop new initiatives. The objectives for 2003 include the development of regional market share tracking mechanisms for ENERGY STAR

products. This information is critical to assessing the success of market transformation efforts – ours included.

The cost for continuing as a NEEP Sponsor along with participation in four initiatives is \$42,496.00. Continued participation in these regional efforts is consistent with our obligations under the Conservation Act, and NEEP is the only organization capable of providing the services we need. Our continued participation in NEEP will also lead to better full-scale program design and operation. For reasons articulated above, we authorize our Director of Energy Programs Division to contract with NEEP for 2003 along the lines described.

As the 2003 contract with NEEP will terminate on December 31, 2003, it will be part of our interim program plan. We therefore do not need to consider the requirements of section 3211-A before entering into the contract with NEEP. We note, however, that even if our Proposed Rule on the Selection of Conservation Service Providers (Chapter 381) were applied to the present situation, the contract with NEEP would be justified as a sole source contract without the need for competitive bidding, pursuant to Section 3(B)(1) of the Proposed Rule, because NEEP is a service provider that has unique qualifications, resources, or experience.

Dated at Augusta, Maine, this 18th day of September, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.